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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,626	01/14/2002	Anna Pelagotti	NL010022	4805
24737	7590	08/01/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			WONG, ALLEN C	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/046,626

Applicant(s)

PELAGOTTI ET AL.

Examiner

Allen Wong

Art Unit

2613

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 2, 3 and 5.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 4, 6 and 7.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).


10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).

13. ☐ Other: _____.


Allen Wong
Primary Examiner
Art Unit: 2613

Continuation of 11. does NOT place the application in condition for allowance because: All of the limitations of claims 1, 4, 6 and 7 have been addressed in the previous Office Action sent on 5/20/05. Independent claims 2 and 5 are now allowable since they are written in independent form. On page 10-13 of applicant's remarks, applicant states that Nakajima does not disclose or suggest "calculating weights as a function of the reliability of the motion vectors", "generating interpolated results as a function of these motion vectors", and "generating an interpolated luminous intensity of a group of pixels for an interpolated image by calculating, on the basis of these weights, a weighted average of the interpolated results". The examiner respectfully disagrees. As previously stated, Nakajima fig.20 discloses the inputted motion vectors $V_1 \dots V_n$ to element 43, the selector, is done to process or interpolate the results of the motion vectors $V_1 \dots V_n$ obtained via the motion vector estimators 31... 3n. At the end of the process or interpolation, element 43 considers the information from elements 41 and 42 that incorporates the data of the weights $E_1 \dots E_n$, the best processed or interpolated results are outputted from element 43. Thus, Nakajima discloses "generating interpolated results as a function of these motion vectors". Further, Nakajima discloses, in fig.20, the results are outputted from element 43, clearly are obtained by incorporating the weights $E_1 \dots E_n$, ie. luminous intensity, from elements 31 ... 3n. Weights $E_1 \dots E_n$ are inputted to elements 41 and 42 where the data is processed or interpolated to generate interpolated data to send to element 43 that takes the weighted data $E_1 \dots E_n$ into consideration, and that element 43 yields the best processed or interpolated results for the generation of interpolated luminous intensity, ie. weighted data, of a group of pixels for an interpolated image. Weights $E_1 \dots E_n$ are obtained from interpolated luminous intensity or the luminance differences to obtain the differences in motion in order to properly determine the best representative luminous intensity of the image data. Thus, Nakajima teaches "generating an interpolated image by calculating, on the basis of these weights, a weighted average of the interpolated results".